

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

AL-QUADIR HUBBARD,

Petitioner

v.

KEVIN RANSOM, *et al.*,

Respondents

Civil No. 3:21-cv-1010

(Judge Mariani)

FILED  
SCRANTON

MAR 14 2024

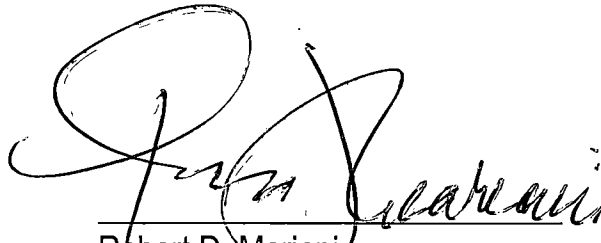
Per DJ  
DEPUTY CLERK

**ORDER**

**AND NOW**, this 13<sup>th</sup> day of March, 2024, upon consideration of the petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2254, and in accordance with the Court's Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. The petition for writ of habeas corpus (Doc. 1) pursuant to 28 U.S.C. § 2254 is **GRANTED in part** and **DENIED in part**.
2. Petitioner's first claim is **CONDITIONALLY GRANTED**. Execution of the writ of habeas corpus is **STAYED** for 120 days from the date of this Order, during which time the Commonwealth shall resentence Petitioner in accordance with the Pennsylvania Supreme Court's decision in *Commonwealth v. Zuber*, 466 Pa. 453, 353 A.2d 441 (1976).
3. The Clerk of Court is directed to **REMAND** this matter to the Court of Common Pleas of Luzerne County for further proceedings consistent with the accompanying Memorandum.
4. Petitioner's second claim is **DISMISSED**.
5. There is no basis for the issuance of a certificate of appealability for claim two. See 28 U.S.C. § 2253(c).

6. The Clerk of Court is directed to **CLOSE** this case.



Robert D. Mariani  
United States District Judge